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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,946	03/30/2001	Catherine Bahn	005217.P029	7596

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EXAMINER	
BUI, KIEU OANH T	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,946	BAHN, CATHERINE	
	Examiner	Art Unit	
	KIEU-OANH T. BUI	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8-10, 12-17, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller (U.S. Patent Pub No. 2002/0103822 A1).

Regarding claim 1, Miller discloses "a method, comprising: providing a user with selection of audio content to accompany a shopping channel on an interactive video casting system, the audio content to select from including audio content uploaded to the interactive video casting system by the user and stored therein, the selection of audio content made available via the shopping channel; and providing the selected audio content to the user", i.e., shopping channel is provided to the user with advertisements (page 3/par. 0014) and the system is providing video casting interactively (page 6, par. 0059); and as shown in Fig. 1, the enhancement objects may include sound and other effects for interfacing and controlling the audio content, see page 4/par. 0041 to page 5/par. 0044 for enhanced objects and auxiliary objects). In addition, the user can selects the audio content by providing his/her own configurations to the agent server and/or uploads the auxiliary objects such as an animation clip,

and/or a movie clip containing audio, and the agent server stores the auxiliary objects therein for later playing back using Flash or Macromedia Shockwave along with the advertisement contents or base objects on the user's terminal (Fig. 2C & 3A, and page 5/par. 0050 & 0051 for user actions, and page 6/par. 0059-0062, and note that the user can be either at the content provider or at the client PC using a web browser to play back the audio content).

As for claim 2, Miller shows "wherein the audio content includes music selected from audio content stored on the interactive video casting system" (page 4/par. 0037).

As for claim 3, Miller shows "wherein the audio content includes an audio portion of programming from another channel on the interactive video casting system", i.e., enhancement object carries a clip as a predefined (audio) portion of programming from the broadcast stream channel (page 4/par. 0043).

As for claims 8-10, Miller further discloses "comprising providing the audio content through explicit profiling of the user" and "wherein explicit profiling comprises developing user audio preferences based on the user's responses to a plurality of questions provided via the interactive video casting system" and "providing the audio content through implicit profiling of the user (page 9, par. 0099).

Regarding claims 12-17 and 22-24, these claims for "a method, comprising: providing a user with selection of audio enhancements to accompany content on an interactive video casting system, the audio enhancements to select from including audio enhancements uploaded to the interactive video casting system by the user and stored therein; and providing the selected audio enhancements to a client terminal" are rejected for the reasons given in the scope of claims 1-3, and 8-10 as discussed above.

Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

4. Claims 4-5 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Patent Pub 2002/0103822 A1) in view of Pugliese et al. (U.S. Patent Pub 2001/0044751 A1).

Regarding claims 4-5 and 18-19, Miller does not further mention "wherein the audio content includes Internet radio"; "wherein the audio content includes a voice over to provide the user with instructions regarding actions on the shopping channel" and however, Pugliese teaches these features (page 1/par. 0008-0009 for artificially intelligence provides voice like live human being for instruction on products/services; and page 21/par. 0386 for Internet radio). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller's system with Pugliese's detailed features as noted in order to provide the user the interactive feature of voice instructions and Internet radio to the user at their convenience for enjoying while doing the online shopping.

5. Claims 6-7, 11, 20-21, and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Patent Pub 2002/0103822 A1) in view of Carey et al. (US Patent Pub 2002/0112035 A1).

Regarding claims 6-7 and 20-21, Miller does not mention "wherein the audio content includes a sound effect, including a style of voice capable of being selected by the user"; and "wherein the interactive video casting system comprises an interactive television system"; however, Carey discloses these features (Figs. 1A & 1B, page 1/par. 0006, 0009, 0012 for sound effects and television & page 8/par. 0111 and page 11/Table 3.9 for voice style). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller's system with Carey's detailed features as noted in order to provide the user the interactive feature of sound effects and voice style as sound enhancements during the online shopping as desired.

As for claim 11, in further view of claim 7 above, Carey shows "wherein implicit profiling comprises developing user audio preferences by analyzing the user's viewing habits in the interactive video casting system" (Carey, pages 6-7, par. 0095-0099 for user profiles are based on user interactive and preset rules.

Regarding claims 25, the combination of Miller and Carey teaches "an apparatus, comprising: a network interface coupled to receive interactive television content; a television interface coupled to the network interface to allow selection of audio content to accompany content received from an interactive television network; a storage medium coupled to the network interface to store at least a portion of a user's audio preferences; and a processor coupled to the storage medium to coordinate the user audio preferences with the content received

from the interactive television network by the network interface", i.e., Carey teaches the system for interfacing network including television, internet, and server as well as storage etc. (Carey, Figs. 1A and 1B); and the audio references is taught by Miller as discussed earlier in claim 1.

As for claims 26-33, these claims with limitations addressed earlier are rejected for the reason given in the scope of earlier claims as described not limited in cited paragraphs of Miller and Carey but also to the entire references of both Miller and Carey.

Response to Arguments

6. Applicant's arguments filed on 7/26/05 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicants simply recite the claim languages and the examiner's cited paragraphs, and applicants concludes that the reference of Miller does not disclose each and every element as recited in claim 1. In order to brighten up the issue on how the examiner believes Miller's reference reads on each and every element of claim 1 (other independent claims followed the similar limitations of claim 1, this should be stand or fall together on the basis of Miller), the examiner points out further details on Miller as disclosed in claim 1 above:

"In addition, the user can selects the audio content by providing his/her own configurations to the agent server and/or uploads the auxiliary objects such as an animation clip, and/or a movie clip containing audio, and the agent server stores the auxiliary objects therein for later playing back using Flash or Macromedia Shockwave along with the advertisement contents or base objects on the user's terminal (Fig. 2C & 3A, and page 5/par. 0050 & 0051 for user actions, and page 6/par. 0059-0062, and note that the user can be either at the content provider or at the client PC using a web browser to play back the audio content)."

Therefore, the examiner stands with the disclosure and teaching of Miller, Pugliese and Carey as disclosed previously in the non-final office action and now discussed in this revised final office action.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
Oct. 6, 2005